NIGHT FINAL

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FBI Order: Destroy Oswald Note to Soviets

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An FBI agent in charge of the pre-assassination investigation of Lee Harvey Oswald says he was instructed by a superior to destroy an Oswald letter which later became a key bit of evidence before the Warren Commission.

James P. Hosty told a House subcommittee today that he was told by the agent in charge of the Dallas FBI office to get rid of a rough draft of a letter Oswald sent to the Soviet Embassy. The draft letter was considered as evidence by the Warren Commission, which concluded that Oswald assassinated President John F. Kennedy.

Hosty said that agent-in-charge Gordon Shanklin may have confused the draft with a hand-written letter Oswald sent to Hosty shortly before the assassination. Hosty said Shanklin had earlier ordered destruction of the other letter.

SHANKLIN, in testimony to the same subcommittee yesterday, said he knew nothing of the Oswald letter to Hosty prior to last July when news of it first came to light.

In two days of testimony before the House constitutional rights subcommittee Shanklin and Hosty have sworn to directly contradictory versions of the matter concerning the letter. Committee members said it is obvious one or the other is guilty of perjury.

Hosty related that he obtained from Mrs. Ruth Payne the rough draft of the letter Oswwald sent to the Soviet Embassy Nov. 9, 1963, recounting his visit to Mexico and mentioning a complaint he had lodged against the FBI.

Mrs. Payne was the Irving, Texas woman with whom Oswald's Russian-born wife, Marina, was living in the months prior to the Nov. 22, 1963 presidential assassination.

The Warren Commission studied both the rough draft and a somewhat different typed copy of the letter as part of its effort to piece together Oswald's pre-assassination activities.

HOSTY SAID he ignored Shanklin's order to destroy the draft because he considered the document to be significant. He said more than a week later when the draft was sent to Washington as evidence Shanklin indicated he had been mistaken when he ordered its destruction and said he had confused it with the letter to Hosty.

Hosty recounted in great detail Shanklin's order to destroy the letter which Hosty received from Oswald less than two weeks before the assassination.

Hosty said he was summoned to Shanklin's office about two hours after Oswald was pronounced dead on Nov. 24, the victim of bullets fired by Jack Ruby.

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Hosty said Shanklin pulled the Oswald letter and a memo Hosty had written about it from his desk and "said in effect 'Oswald's dead now; there can be no trial, get rid of this.' "

Hosty said he tore up the letter and the memo but Shanklin appeared upset and said, "get it out of here. I don' t even want it in here." he said.

SO HOSTY said he flushed the pieces down a toilet.

Hosty did not mention the letter or Shanklin's instructions concerning the rough draft when he later testified before the Warren Commission.

He said he was instructed by Shanklin and by FBI headquarters in Washington to answer only questions put to him directly and to volunteer nothing.

Subcommittee Chairman Don Edwards, D-Calif., remarked, "It is disturbing that you received instructions not to volunteer information no matter how helpful. The FBI was the Warren Commission's chief investigative agency. There have been allegations that the FBI withheld information from the Warren Commission. You were instructed not to cooperate."

HOSTY RESPONDED his instructions wre only "to answwer the questions and not to bring up other matters."

Hosty also said that a memo he wrote concerning

his handling of the Oswald case was doctored to make it appear he was admitting errors he maintains he did not make.

Hosty was suspended for thirty days as a result of his action in the Oswald case. He said he assumed someone wanted to make it appear he had "pleaded guilty."

Yesterday, Shanklin told the committee he had nothing to do with the destruction of a threatening letter which Lee Harvey Oswald wrote to the bureau less than a month before the killing.

He said he did not even know Oswald had written such a letter until this year, when he was told about it by a newspaper publisher.

Shanklin's sworn testimony contradicts the version of the incident of two other Dallas FBI agents, who told the bureau's internal investigators last summer that Shanklin ordered destruction of the letter within two hours of Oswald's death.

THE OTHER TWO agents, Hosty and Kenneth Howe, were called to repeat their stories to the constitutional rights subcommittee today.

The FBI's internal investigation this year discovered that some time in November, Oswald hand-delivered a letter addressed to Hosty warning the agent to stop questioning Marina Oswald. The letter was destroyed and the Warren Commisssion was never told about it.

Shanklin told the panel yesterday that the letter should have been filed. "I don't see why the matter wouldn't have gone into the file," Shanklin said. "But I can't look over everybody's shoulder."

He said he could not recall a meeting with Hosty and Howe on the night that Oswald died. Hosty and Howe have said that Shanklin ordered destruction of the letter during such a meeting.

While he shed no light on the Oswald letter, Shanklin did confirm, in an off-hand remark, that Ruby had been classed by the FBI as a "potential informant" approximately four years before he killed Oswald.